

prescribed in §§157.6(a) and 385.2011 of this chapter as part of the required annual report under §157.207(a) the following information:

(1) A description of the facilities installed pursuant to this section, including a description of the length and size of pipelines, compressor horsepower, metering facilities, taps, valves, and any other facilities constructed;

(2) The specific purpose, location, and completion date of the facilities installed, and, if applicable, a statement indicating the extent to which the facilities were jointly constructed;

(3) The actual installed cost of each facility item listed pursuant to paragraph (e)(1), separately stating the cost of materials and labor as well as other costs allocable to the facilities;

(4) The estimated gas supply in Mcf at 14.73 psia made available to the certificate holder by means of the described facilities;

(5) The names of the fields connected;

(6) The specific location of the supply source or well attached if the attachment is for gas owned or produced by the certificate holder;

(7) The names of the independent producers, other sellers or intrastate pipelines from whom the gas is being purchased or received, together with the respective dates of their gas sales or transportation contracts and any FERC authorization or gas rate schedule designations if the facility is to receive gas purchased by the applicant;

(8) A description of the contacts made, reports produced, and results of consultations which took place to ensure compliance with the Endangered Species Act, the National Historic Preservation Act and the Coastal Zone Management Act;

(9) For acquisitions of facilities:

(i) A statement referencing the date of issuance, docket number and title of the proceeding for any certificate issued by the Commission authorizing the facilities acquired; and

(ii) The amounts recorded in the accounts of the vendor (seller or lessor) that apply to the facilities acquired and the accumulated provisions for depreciation, depletion, and amortization.

(f) *Special conditions.* (1) For purposes of comparing the project cost of leased

facilities with the per-project cost limitations in Table I of this section, the project cost of leased facilities shall be the annual lease charge multiplied by the number of years of the lease.

(2) In the interest of safety and reliability of service, facilities authorized by the certificate shall not be operated at pressures exceeding the maximum operating pressure set forth in the request. In the event the certificate holder thereafter wishes to change such maximum operating pressure it shall file an appropriate request pursuant to the procedures set forth in §157.205(b). Such request shall include the reasons for the proposed change. Nothing contained herein authorizes the certificate holder to operate any facility at a pressure above the maximum prescribed by State law, if such law requires a lower pressure than authorized hereby.

(g) If the actual cost of the project exceeds the per-project cost authorized under a blanket certificate in Table I of this section, the certificate holder shall apply to the Director of the Office of Pipeline and Producer Regulation for a waiver of those project cost limits.

[Order 234, 47 FR 24266, June 4, 1982, as amended by Order 486, 52 FR 47910, Dec. 17, 1987; Order 493, 53 FR 15030, Apr. 27, 1988; 56 FR 7565, Feb. 25, 1991; 57 FR 4717, Feb. 10, 1992; 58 FR 6893, Feb. 3, 1993; 59 FR 5947, Feb. 9, 1994; 59 FR 6658, Feb. 3, 1995; 59 FR 7821, Feb. 9, 1995; 61 FR 8213, Mar. 4, 1996; 62 FR 5914, Feb. 10, 1997]

#### § 157.209 [Reserved]

#### § 157.210 Sales for resale.

(a) *Prior notice.* Subject to the notice requirements of §157.205, the certificate holder is authorized to sell natural gas in interstate commerce for resale, if:

(1) The buyer is an interstate pipeline acquiring the gas for its system supplies;

(2) The sale does not exceed a period of one year;

(3) The certificate holder has a surplus of gas supplies that is in excess of the amount required to serve the certificate holder's existing on-system customers and that is at least equal to the volumes to be sold in the proposed transaction;

(4) The sale is made at the higher of the certificate holder's:

(i) System average load factor rate (based upon the rates in effect at the time the request is filed pursuant to § 157.205); or

(ii) Average section 102 gas acquisition cost (based upon the certificate holder's most recent purchased gas adjustment filing at the time the request is filed pursuant to § 157.210);

(5) The sale does not involve the sale of any natural gas acquired by the certificate holder solely or primarily for the purpose of making a sale under this section;

(6) The buyer is not an interstate pipeline authorized to sell gas to the certificate holder during the duration of the sale;

(7) The certificate holder has actual or potential take or pay liability; and

(8) The sale is subject to interruption by the certificate holder to the extent that natural gas subject to the sale is required to provide adequate service to the certificate holder's on-system customers at the time of the sale.

(b) *Contents of request.* In addition to the requirements of § 157.205(b), requests filed for activities described in paragraph (a) of this section shall contain:

(1) The identity of the seller and buyer;

(2) The dates of commencement and anticipated termination of the sale;

(3) The estimated total and daily quantities (in MMBtu's) of natural gas to be sold in the transaction;

(4) The rate to be charged and the applicable rate schedules;

(5) An affidavit that service pursuant to the sale is subject to interruption to the extent that natural gas subject to the sale under this section is required to enable the certificate holder to provide adequate service to its on-system customers;

(6) The total quantity of gas being sold in transactions authorized by this section at the time of the request;

(7) A copy of the contract, if the identity of the buyer is known;

(8) A statement quantifying the extent of actual or potential take-or-pay liability;

(9) A gas supply/requirements balance demonstrating a sufficient surplus such that service to the certificate holder's

on-system customers will not be affected by the proposed sale; and

(10) Identification of delivery points.

[Order 319, 48 FR 34890, Aug. 1, 1983]

**§ 157.211 Sales taps.**

(a) *Construction and operation—(1) Automatic authorization.* The certificate holder may construct and operate sales taps for the delivery of gas to an end-user, if:

(i) The natural gas is ultimately delivered to, and consumed by, a right-of-way grantor; and

(ii) Not more than 200 MMBtu of natural gas per day are to be delivered to the right-of-way grantor.

(2) *Prior notice.* Subject to the notice procedure of § 157.205, the certificate holder may construct and operate sales taps for service to end-users other than a right-of-way grantor, if:

(i) The natural gas is ultimately consumed by an end-user that is, or will be, served directly or indirectly from the general system supply of the certificate holder, or the natural gas is being delivered to a shipper for whom the certificate holder is, or will be, authorized to transport gas;

(ii) The volumes delivered are within the certificated entitlements of the customer; and

(iii) The certificate holder's tariffs do not prohibit the addition of new delivery points.

(b) *Contents of request.* In addition to the requirements of § 157.205(b), requests for activities authorized under paragraph (a)(2) must contain:

(1) The name of any distributor or the end-user and the location of all proposed sales taps;

(2) The authority for the current service to the distributor or end-user;

(3) The quantity of gas to be delivered through the proposed facility;

(4) The rate or rate schedules applicable to the service made through the proposed tap; and

(5) A description, with supporting data, of the impact of the service rendered through the proposed sales tap upon the certificate holder's peak day and annual deliveries.

(c) *Reporting requirements.* As part of the certificate holder's annual report of projects authorized under paragraph (a)(1) of this section, the certificate